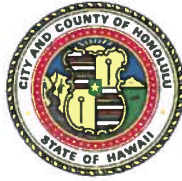


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR & LEGAL COUNSEL

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

Date and Place: May 2, 2016
Standard Financial Plaza
Conference Room, Suite 211

Present: Hon. Victoria Marks (ret.), Chair
Michael Lilly, Esq., Vice Chair
Stephen Silva, Commissioner
Stanford Yuen, P.E., Commissioner
Hon. Riki Amano (ret.), Commissioner
Hon. Allene Suemori (ret.), Commissioner
Charles W. Totto, Executive Director and Legal Counsel (EDLC)
Geoffrey Kam, Deputy Corporation Counsel,
Department of the Corporation Counsel
Gina Mangieri, Reporter, KHON 2 TV News
Justin Kanno – Cameraman, KHON 2 TV News
Natalie Iwasa, Member of the Public

Absent: William Shanafelt, Investigator III
Kristine Bigornia, Legal Clerk I

Stenographer: Lisa P. Parker, Legal Clerk III

MINUTES OF THE MAY 2, 2016 OPEN SESSION MEETING

I. CALL TO ORDER

Chair Marks called the meeting to order at 11:36 a.m.

II. NEW BUSINESS

A. For Discussion and Action:

1. Hiring to Fill Staff Vacancies.

Chair Marks informed the Commission that considering the circumstances, asked if there were any volunteers to be on the hiring committee. Commissioner Suemori asked for what positions, and Vice Chair Marks responded that it was for the ALC and investigator positions, and if there was any discussion.

Commissioner Silva asked if it was the responsibility of the EDLC or the Commission. Commissioner Marks responded that under the circumstances the Commission might want to be involved.

Vice Chair Lilly requested a PIG (Permitted Interaction Group) and Commissioner Suemori asked that the matter be deferred, but she wouldn't mind being on the PIG. Vice Chair Lilly responded that the EDLC be on the PIG as well. Chair Marks stated that just one person could be delegated and also it wasn't necessary to have a PIG since the Commission could delegate authority. Commissioner Suemori asked to define authority or what she should be doing and thought it should be the EDLC's authority. Chair Marks responded that it's the Commission's responsibility and the authority in the past had been delegated to the EDLC, however the Commission could participate and work with the EDLC.

Commissioner Yuen asked the EDLC if he had any comments, and the EDLC had none. Commissioner Yuen stated that he would not oppose having to delegate to the EDLC. Chair Marks asked if anyone in the Commission had any concerns working with the EDLC, and Commissioner Silva responded that he would not have any concerns if they worked as a team.

Chair Marks asked for a motion for Commissioner Suemori to work with the EDLC regarding hiring. Commissioner Silva so moved, Commissioner Yuen seconded, all were in favor and the motion was carried unanimously.

Chair Marks asked if there was any public testimony.

Natalie Iwasa, a member of the public, stated that she was very concerned with what was happening with the Ethics Commission and that it was a major issue in the City. Ms. Iwasa continued that with the respect to the hiring matter, she asked that the Commission support the increase in salaries proposed to the Charter Commission and believes they moved that proposal on to the next stage in putting it into form for voting on the ballot, and if it did get selected as one of the questions, she hoped that the Commission would actively support it. Good people were needed to work with the staff.

Chair Marks asked if there were any questions and if anyone else needed to testify on any matters in the executive session, and since there was none, asked for a motion to move into executive session. Commissioner Suemori so moved, Commissioner Silva seconded and all were in favor. Since there was no opposition, the motion passed unanimously.

Chair Marks reported that Commissioner Suemori moved to exit executive session and Commissioner Silva seconded.

III. EXECUTIVE SESSION SUMMARY

A. For Discussion and Action:

1. Pursuant to HRS Sec. 92-5(a)(2), Regarding the Hire, Evaluation, Dismissal, or Discipline of an Officer or Employee to Provide the Status Regarding the Retention of an Independent Ethics Investigator Required Due to a Conflict of Interest.

Chair Marks reported that the Commission received information that the independent investigator required, due to a conflict of interest, should be retained soon and that since the procurement requirements had been complied with, only the paper work needed to be completed.

2. Pursuant to HRS Sec. 92-5(a)(4), Consultation with the Commission's Attorney on Questions and Issues Pertaining to the Commission's Powers, Duties, Privileges, Immunities, and Liabilities Related to Charges Received by the Equal Employment Opportunity Commission on April 12, 2016 Against the Ethics Commission.

Chair Marks reported that the Commission informed the EDLC that he and the Investigator should cooperate in every possible way with any members of Corporation Counsel or with the Equal Employment Officer regarding the EEOC Complaint received.

3. Pursuant to HRS Sec. 92-5(a)(4), Consultation with the Commission's Attorney Regarding Questions and Issues Pertaining to the Commission's Powers, Duties, Privileges, Immunities, and Liabilities with Respect to the Ethics Commission's Position Regarding a Possible Civil Claim Against the Ethics Commission.

The Commission's PIG is awaiting receipt of a response.

IV. ADJOURNMENT

Chair Marks asked for a motion to adjourn the meeting. Commissioner Yuen so moved, Commissioner Silva seconded, and since there was no opposition, all were in favor and the motion carried unanimously.

The meeting adjourned at approximately 1:15 p.m.